

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

LARRY ARCHULETA, et al.,

Plaintiffs

v.

Case No.: 1:07-cv-00612-WDS-KBM

CITY OF ALBUQUERQUE, et al.,

Defendants.

**ORDER GRANTING PLAINTIFF'S MOTION IN LIMINE TO PRECLUDE INQUIRY INTO
PLAINTIFF'S CRIMES, WRONGS, ACTS AND CHARACTER**

This matter comes before the Court on Plaintiff's Motion in Limine To Preclude Inquiry Into Plaintiff's Crimes, Wrongs, Acts and Character (Doc. No. 66) No opposition has been filed, and the time in which to file opposition has expired. Accordingly, the motion is deemed unopposed. In the Court's opinion Plaintiff's past crimes, wrongs, and character are not generally admissible merely for the sake of portraying the individual as a bad or violent person. Nor does there appear to be evidence that the encounter with the police that is at issue in this case was triggered or instigated in some way by Defendant Lovato's knowledge of Plaintiff's criminal history. Accordingly, at this point the Court finds the motion well taken. The Court cautions Plaintiff, however, that if evidence of Plaintiff's good character is presented, for example to support the damages portion of Plaintiff's case, it is possible that Plaintiff will be deemed to have "opened the door" for cross examination on Plaintiff's past crimes, wrongs, acts and character.

IT IS THEREFORE ORDERED THAT Plaintiff's Motion in Limine To Preclude Inquiry

Into Plaintiff's Crimes, Wrongs, Acts and Character (Doc. No. 66) is granted, subject to reconsideration based on the evidence presented at trial.

A handwritten signature in black ink, appearing to read 'W.D. Schneider', written over a horizontal line.

W. Daniel Schneider
United States Magistrate Judge